REMARKS

Status of the Claims

- Claims 1 and 4-10 are pending in the Application after entry of this amendment.
- Claims 1, and 4-10 are rejected by Examiner.
- Claim 11 is cancelled by Applicant.
- Claims 1, 4-6, and 8-10 are amended by Applicant.

Claim Rejections Pursuant to 35 U.S.C. §101

Claim 11 is rejected under 35 U.S.C. 101 as being directed to non statutory subject matter, specifically, a computer program product. Applicant cancels Claim 11.

Claim Rejections Pursuant to 35 U.S.C. §103

Claims 1, 5, 7, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,647,015 to Malkemes et al. (Malkemes) in view of U.S. Patent No. 6,434,170 to Movshovich et al. (Movshovich). Applicant respectfully traverses the rejection.

Malkemes discuses a transmitter and receiver apparatus for providing a broadband, wireless, communication network throughout a residence. Malkemes states that each communications appliance within the residence is outfitted with a receiver that decodes broadcast signals and couples the signals to the input terminals of the associated communications appliance. Malkemes, at col. 4 lines 6-18, defines the problem to be solved as that of multipath in a wireless environment. Malkemes solves the problem with a multiple antenna diversity technique in the form of a spatial diversity equalizer/combiner. (See Malkemes, col. 4, lines 6-18, and col. 1. line 62 through col. 2 line 2.)

Applicant notes that the present claims are not directed to a solution to wireless multipath problems.

Movshovich discusses a method for enhancing transport packet demultiplexing and distribution in a digital transport demultiplexing system. (see Movshovich, Abstract). The method of Movshovich selects identified packets (See PID match unit 304, Figure 3), adds a new header with new packet time stamp information (see Local Header Unit 402, and packet time stamp counter 420 of Figure 6, col. 11, lines 59 through col. 12 line 11), and stores the individual modified transport packets having the new time stamp header into a memory FIFO for distribution to SRAM or DRAM via a memory controller for later recall and distribution to output interfaces (See Movshovich col. 12, lines 18-22).

Claim 1 is amended to include the aspect that packets of the single program transport stream or the partial multiple transport stream occupy the same temporal location as corresponding packets in the multiple program transport stream. This amendment finds support on page 8 lines 9-12 of the as-filed specification. Independent Claim 10 is likewise amended.

Applicant respectfully submits that the method of Movshovich does not include producing packets in a single program transport stream or a partial multiple transport stream that occupy the same temporal location as corresponding packets in the multiple program transport stream as recited in the pending independent claims.

Unlike Movshovich, the current claims do not modify extracted packets by adding a new header with new time stamp information. Whereas Movshovich teaches the use of a local header unit to generate new header information with new time stamp information for packets sent to a FIFO, the present invention requires no such modification of data packets in order to generate a single program transport stream or a partial multiple transport stream. The addition of

new header information is so important to the invention of Movshovich
that it is an element in every granted independent claim of U.S. Patent
No. 6,434,170 to Movshovich. Thus, whereas the teachings of
Movshovich requires new header information for packets stored in the
Movshovich FIFO, the pending current claims are distinguishable from
the invention of Movshovich because no new header is required or
recited in the pending claims.

Applicant respectfully submits that neither Malkemes, nor
Movshovich, nor the combination of Malkemes and Movshovich teach
or suggest the amended features of pending independent Claims 1 and
10 and their respective dependent Claims 5 and 7. Applicant
respectfully submits that Claims 1, 5, 7, and 10 are not rendered
obvious under 35 USC §103(a) per MPEP §2143.03 because all
elements of the pending claims are not found in the cited art. Applicant
respectfully requests reconsideration of the 35 U.S.C. §103(a) rejection
of pending Claims 1, 5, 7, and 10 based on the amendments and
remarks above.

Claim Rejections Pursuant to 35 U.S.C. §103

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being
unpatentable over U.S. Patent No. 6,647,015 to Malkemes et al.
(Malkemes) in view of U.S. Patent No. 6,434,170 to Movshovich et al.
(Movshovich) and in further view of U.S. Patent No. 6,353,613 to
Kubota et al. (Kubota). Applicant respectfully traverses the rejection.

The teachings of Malkemes and Movshovich are discussed
above.

Kubota discusses an information transmitter that includes a
signal separator for separating a packet line multiplexed by another
transmitting device into a packet line of element data and a packet line

of second additional information on the element data, an additional information generator for generating third additional information integrated by combining and regenerating the second additional information and first additional information, and a controller for controlling packet identifiers which are added at encoders and instructing a plurality of encoding to add packet identifiers that are different from each other. Thus, Kubota suggests that the overlaps of additional information and packet identifier information can be easily avoided with a simple construction. (See Kubota, Abstract)

However, Kubota, like Malkemes and Movshovich, fails to discuss producing packets in a single program transport stream or a partial multiple transport stream that occupy the same temporal location as corresponding packets in the multiple program transport stream as recited in independent Claim 1 upon which Claim 4 depends. The addition of Kubota to the combination of Malkemes and Movshovich still includes the aspect from Movshovich that new header information is required to be added to extracted packets for storage in a FIFO. The pending claims require no such restriction. Thus, independent Claim 1 is not rendered obvious under 35 U.S.C §103(a) even with the combination of Malkemes, Movshovich, and Kubota. Accordingly, pending dependent Claim 4 is also rendered non-obvious per MPEP §2143.03. Applicant respectfully requests reconsideration of the 35 U.S.C. §103(a) rejection of pending Claim 4.

Claim Rejections Pursuant to 35 U.S.C. §103

Claims 6 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,647,015 to Malkemes et al. (Malkemes) in view of U.S. Patent No. 6,434,170 to Movshovich et al. (Movshovich) and in further view of U.S. Patent no. 6,850,252 to Hoffberg. Applicant respectfully traverses the rejection.

The teachings of Malkemes and Movshovich are discussed above.

Hoffberg discusses a digital rights management method that includes the steps of: receiving media having visual or audio content, analyzing a physical environment of presentation to a user, predistorting the media in accordance with a state of the analyzed physical environment to at least partially compensate for the physical environment while altering the visual or audio content from its state as received, presenting the predistorted media to the user in the physical environment, and restricting access to the received media in an undistorted form, to thereby manage rights in the media. (See granted Claim 1 of Hoffberg).

However, Hoffberg, like Malkemes and Movshovich, fails to discuss producing packets in a single program transport stream or a partial multiple transport stream that occupy the same temporal location as corresponding packets in the multiple program transport stream as recited in independent Claim 1 upon which Claims 6 and 8 depend. The addition of Hoffberg to the combination of Malkemes and Movshovich still includes the aspect from Movshovich that new header information is required to be added to extracted packets for storage in a FIFO. The pending claims require no such restriction. Thus, independent Claim 1 is not rendered obvious under 35 U.S.C §103(a) even with the combination of Malkemes, Movshovich, and Hoffberg. Accordingly, pending dependent Claims 6 and 8 are also rendered non-obvious per MPEP §2143.03. Applicant respectfully requests reconsideration of the 35 U.S.C. §103(a) rejection of pending Claims 6 and 8.

Claim Rejections Pursuant to 35 U.S.C. §103

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,647,015 to Malkemes et al. (Malkemes) in view of U.S. Patent No. 6,434,170 to Movshovich et al. (Movshovich) and in further view of U.S. Patent no. 6,628,617 to Karol. Applicant respectfully traverses the rejection.

Karol discusses how routing may be controlled by nodes called connectionless-connection oriented (CL-CO) gateways, where each CL-CO gateway includes hardware and software modules that include interfaces to the CO network, interfaces to the CL network, a moderately sized packet buffer for temporarily storing packets waiting for CO network setup or turnaround, a database for storing forwarding flow control header translation and other information, and a processor containing logic for controlling the gateway packet handling operations (see Karol, Abstract).

However, Karol, like Malkemes and Movshovich, fails to discuss producing packets in a single program transport stream or a partial multiple transport stream that occupy the same temporal location as corresponding packets in the multiple program transport stream as recited in independent Claim 1 upon which Claim 9 depends. The addition of Karol to the combination of Malkemes and Movshovich still includes the aspect from Movshovich that new header information is required to be added to extracted packets for storage in a FIFO. The pending claims require no such restriction. Thus, independent Claim 1 is not rendered obvious under 35 U.S.C §103(a) even with the combination of Malkemes, Movshovich, and Karol. Accordingly, pending dependent Claim 9 is also rendered non-obvious per MPEP §2143.03. Applicant respectfully requests reconsideration of the 35 U.S.C. §103(a) rejection of pending Claim 9.

Conclusion

Applicant respectfully submits that the amended pending claims patentably define over the cited art and respectfully requests reconsideration and withdrawal of the objections and rejections of all pending claims based on the arguments presented herein.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefore.

Respectfully submitted,

Claude Chapel, et al.

Date: January 26, 2009   /Jerome G. Schaefer/

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